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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,686	04/17/2000	Julia Hirschberg	2000-0026	1854

26652 7590 05/05/2004

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EXAMINER

EDOUARD, PATRICK NESTOR

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/550,686

Applicant(s)

HIRSCHBERG ET AL.

Examiner

Patrick N. Edouard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is in response to communication filed 2/9/04 (paper #4).  
Claims 1, 3-12 and 14-20 are pending. Claims 2 and 13 are canceled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3-12 and 14-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-12 and 14-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (6,327,343).

As per claims 1, 11 and 17, Epstein et al teach a method for indexing voice mail messages, comprising:

“Receiving one or more voice mail messages from one or more callers” (col. 6, lines 50-55);

“Processing speech signals from each of the voice mail message with one or more caller speaker models”(col. 7, lines 13-26);

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“Determining the identity of each of the one or more callers in each of the one or more voice mail messages” (col. 7, lines 22-26); and

“Tagging each of the voice mail messages with the respective identity of the caller for each respective voice mail message”(abstract, the system is able of tagging the identity of a caller, col. 5, lines 37-45, his identification tagger 30).

It is noted that Epstein et al teach the claimed invention but does not explicitly teach receiving a speaker label from a voice mail subscriber for a voice mail message tagged as unknown...speaker of the voice mail message. However, Epstein et al teach at col. 7, lines 55-61, if the identity of the caller ultimately cannot be identified, the user (voice mail subscriber) 12 may program the system through the programming interface 38 to process the call based on the unknown caller; and the system may be programmed to store the name and originating telephone number of every caller at col. 8, lines 15-17. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to program to recognize that since the user can program the system to tag the unknown caller and to store the name and originating telephone number of the unknown caller, the system is capable of receiving to receive the identity of the speaker from a voice mail message because Epstein et al teach one of ordinary skill in the art the benefit for the user to program the system because such capability allows the user to automatically send reply messages to callers, as well as dynamically create an address book which can be subsequently accessed by the user to send a message to a particular person (col. 8, lines 17-22).

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As per claim 3, Epstein et al teach wherein the speaker label provided by the voice mail subscriber is used to create a storage folder for the specific speaker of the voice mail (col. 8, lines 7-21).

As per claim 4, wherein the speaker models are created from one or more voice mail messages left by the same caller (col. 7, lines 17-21, the previously speaker models are created from the voice mail messages, figure 3a, his voice process data 120).

As per claims 5, Epstein et al teach wherein the speaker models are created using acoustic features extracted from the voice mail (his voice process data 120 in figure 3a, col. 8, lines 1-14).

As per claim 6, Epstein et al teach tagging the voice mail message as unknown if no existing speaker model...(col. 7, 27-49, figure 3a, his process call based on unknown identity 154).

As per claims 7-8, Epstein et al teach receiving a speaker label from a user fro the voice mail message tagged as unknown (col. 8, lines 8-14, figure 3a, his process call based on unknown identity 154)

As per claim 9, Epstein et al teach wherein the step of determining the identity of the caller...using automatic number identification to assist in determining the caller's identity (col. 8, lines 8-14).

As per claim 10, Epstein et al teach using speech recognition techniques to extract caller identity ...(Col. 7, lines 16-23).

4. Claims 11-12 and 14-20 are the same in scope and content as claims 1 and 3-10 above and therefore are rejected under the same rationale.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231 or faxed to:

(703) 308-9051, (for formal communications intended for entry) Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-6725. The examiner can normally be reached on Tuesday-Friday from 07:30 a.m.-6:00 p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

The facsimile phone number for this Art Unit is (703) 305-9508. Alternatively, facsimile messages may be sent directly to (703) 305-9644 where they will be stored in the examiner's voice mailbox (telling the examiner that a fax was received) and be automatically printed (i.e. - no delay by the examiner).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patrick N. Edouard

April 29, 2004



**PATRICK N. EDOUARD**  
**PRIMARY EXAMINER**